

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBERT KINKUS,

Plaintiff,

v.

THE VILLAGE OF YORKVILLE, *et al.*,

Defendants.

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Case No. C2-05-930

**JUDGE ALGENON L. MARBLEY
Magistrate Judge King**

ORDER

Based on the United States Court of Appeals for the Sixth Circuit's recent ruling in this matter, *Kinkus v. Village of Yorkville*, No. 07-3483, 2008 U.S. App. LEXIS 17345 (6th Cir. Aug. 13, 2008), Plaintiff's Second Claim for Relief based on civil conspiracy, Compl. ¶ 21, is dismissed. Furthermore, based on this Order, Plaintiff's Motion to Dismiss Certain Claims (no. 113) is mooted.

IT IS SO ORDERED.

**s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE**

DATED: September 5, 2008